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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/057,131	10/25/2001	Robert Glenn Klinefelter	63015.801US01	1922
23935	7590	08/08/2006	EXAMINER	
KOPPEL, PATRICK & HEYBL 555 ST. CHARLES DRIVE SUITE 107 THOUSAND OAKS, CA 91360			OPSASNICK, MICHAEL N	
			ART UNIT	PAPER NUMBER
			2626	

DATE MAILED: 08/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/057,131	Applicant(s) KLINEFELTER ET AL.	
	Examiner Michael N. Opsasnick	Art Unit 2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,13-15,18 and 22-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,13-15,18 and 22-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 19-21 and 27-29 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments received 6/19/2006 have been fully considered but they are not persuasive. As per applicant's rebuttal against the restriction requirement, examiner respectfully disagrees and points to the claims scope of claims 4-12, 16, and 17, which do not require an interpreter and therefore have different claims scope in a separate class/subclass classification, as noted in the office action mailed May 18, 2006.

In view of the applicants' statement on page 8 of the response, claims 4-12, 16, and 17 are withdrawn without prejudice. In view of the restriction statement below, claims newly submitted claims 19-21, and 27-29 are withdrawn as well. Therefore, the claims remaining for prosecution on the merits are claims 1-3, 13-15, 19, and 22-26.

Election/Restrictions

2. Newly submitted claims 19-21, and 27-29 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: These claims are drawn to a distribution of services, similar in scope and content of originally presented claims 4-12, 16, and 17.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution

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on the merits. Accordingly, claims 19-21, and 27-29 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 3 and 13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. It is not clear how the means for receiving and transmitting audio and visual information dual displays and microphones would be constructed and function within a single housing.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 3 and 13 recites the limitation "the means for receiving and transmitting audio and visual information contained within a first user computer and a second user computer" in the

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first three lines of the claim. There is insufficient antecedent basis for this limitation in the claim. It is not clear as to which computer the means resides. In claim one, there is a user computer and provider computer communication audio and visual information, with both users accessing the user computer, however, there is no mention of a second user computer interaction with the first user computer (just the provider computer in communication with the user computer). Since it is unclear to the claim scope of claim 3 and 13, the examiner will not attempt to interpret this claim language for art related examination purposes.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1,2,14,15,18,22-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Saindon et al (6820055).

As per claims 1,22, Saindon et al (6820055) teaches a communications services network including multiple users/viewers(Fig. 1) receiving audio information (fig. 5) as well as video information (Fig. 8) wherein the users require interpretations to facilitate communication (col. 23 lines 35-50) comprising means for receiving and transmitting

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audio and visual information between the provider computer and the user computer (Fig. 1,3, 5; and col. 12 lines 21-47; examiner notes that the interpreted information is available for both users on the screen -- Fig. 4).

As per claim 2, Saindon et al (6820055) teaches plurality of users and audio and visual information (fig. 2 and fig.3)

As per claims 14,15,18,23, Saindon et al (6820055) teaches that the devices used are not limited to pc's (col. 5 line 40 – col. 6 line 36 – examiner notes the broadness of “processor” and “cpu”, transmission of audio/visual information over networks, satellite transmission, and col. 11 lines 50-65 and 12 lines 10-16).

As per claims 24-26, Saindon et al (6820055) teaches the recording and visual presentation of the user/interpreter (Fig. 6, “databases”, presenter face image; and English and language text of the language translator in fig. 6 and the viewer interface -- two users, with differing capabilities, can interact/communication with each other with these interfaces over the network as described by Saindon et al (6820055)).


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Opsasnick, telephone number (571)272-7623, who is available Tuesday-Thursday, 9am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Richemond Dorvil, can be reached at (571)272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mno
8/6/06



Michael N. Opsasnick
Examiner
Art Unit 2626